UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/59
23 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 15 of the provisional agenda

INDIGENOUS ISSUES

Written statement*/ submitted by the Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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1) Introduction

The preamble and first article of the Charter of the United Nations establish the close relationship between human rights and security. We believe that, as the international community surveys the twenty-first century, the time to make this relationship much clearer is at hand. The upcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance provides us with a critical opportunity to do so. Among the most pressing concerns is that human rights are sacrificed under the rubric of security. In the course of establishing a "New World Order". It is imperative that the international community reexamines security policies in light of the potential for human rights violations, including differential and unfair treatment on the basis of ethnicity. Such reexamination should address the problem of ethnic discrimination underlying decisions regarding military base construction and military training exercises. This problem is particularly relevant in the case of indigenous peoples, for whom human rights are intrinsically related to land rights. The case of indigenous peoples embodies not only ethnic discrimination but also the perpetuation of colonialism - the elimination of which deserves the fullest attention of the international community.

2) A Selected Background

The behemoth United States military bases that now carpet the Hawaiian landscape exemplify the problem outlined above. Their existence was assured in the overthrow of the Kingdom of Hawaii by the United States in 1893, which culminated in the illegal annexation of the Hawaiian islands in 1898. Similarly, in direct violation of Article 51 of the Vienna Convention on the Law of Treaties, the Japanese government built its first military installation in Okinawa in 1876, during the course of the Ryukyu annexation (1872-1879). Through extensive land appropriation and forced labor of the Okinawans, Japan's military expansion throughout the Ryukyu islands continued until the end of World War Two. Moreover, following its land offensive on Okinawa in 1945, the US military continued the confiscation of residential land and destruction of cultural property for the purpose of constructing its own military bases. These actions were in clear violation of Articles 46 and 56 of the 1907 Regulations Relative to the Laws and Customs of War on Land (widely known as the "1907 Hague Regulations"). The US maintains its military installations on Okinawa, despite the reversion of the official administration of Okinawa to Japan in 1972. The fact that, at present, fully 75% of all US military bases and facilities in Japan are located in Okinawa, which constitutes only 0.6% of Japanese territory, is evidence that these security policies are ethnically discriminatory.

The 1990s were witness to burgeoning opposition to the ethnic discrimination surrounding military bases and military training exercises. Principled chiefly on decolonization and the elimination of discriminatory policies, anti-base movements calling for the protection of indigenous and human rights in general continue to unfold around the world. In response to the demands from the Chamorro people, for example, the government of Guam established a Commission on Decolonization to support the movement. In

Canada's province of Quebec, the Innu continue to protest air force training by NATO in the airspace over their sacred land. In British Indian Ocean Territory, the Chagos Islanders are protesting against their forced relocation for the sole purpose of military base construction. Back in Japan, the Okinawans expressed their opposition to the military installations and training sites on their ancestral land in public referendums, further engendering the campaign for base removal.

3) Recommendations

We offer the following topics for debate at the 2001 World Conference Against Racism:

1. The formal agenda should include: The Relationship Between Ethnic Discrimination and Military Land Use, and Ethnic Discrimination and the Unresolved Issue of Decolonization.

2. The Declaration to be adopted at the conference should emphasize the following principle as an article: Human rights shall not be jeopardized in the name of state security issues. In particular, any construction of military facilities or military training sites that exhibits ethnic discrimination shall not be upheld as a necessity unless it entails people's security based upon the protection of human rights.

3. The Programme of Action to be adopted in conjunction with the conference Declaration should contain the following articles:

a. States shall carry out a formal inquiry into whether ethnic discrimination underlies their decisions regarding the construction of military bases and training sites. States are to submit their findings to the Secretary General of the United Nations by June 2002.

b. The Secretary General of the United Nations shall, after also taking into full consideration information provided by indigenous peoples' organizations and non-governmental organizations, submit a comprehensive report on the States' findings to the United Nations General Assembly by December 2002.

c. In cases where ethnic discrimination is found to be a factor in the construction of bases and training sites, States are obligated to recognize this in a formal apology and to expedite the removal of bases, the return of all relevant land, the provision of fair compensation and complete environmental restoration.

d. The United Nations General Assembly shall take the necessary steps to ensure the implementation of this Declaration, including granting the General Assembly's Special Committee on Decolonization with the authority to accept and deliberate all necessary information, as provided for in the Declaration on the Granting of Independence to Colonial Countries and Peoples and Article 1 of both the International Covenant on Civil and

Political Rights and the International Covenant on Economic, Social and Cultural Rights.

e. States shall make annual reports to the General Assembly's Special Committee on Decolonization regarding the progress of base removal and return of land. The Special Committee's deliberation of these reports shall take into full consideration information submitted by indigenous peoples' organizations and non-governmental organizations, and shall include the participation, as equal observers, of representatives from relevant states, indigenous groups and non-governmental organizations. The results from these deliberations shall be submitted to the United Nations General Assembly for examination.